



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

TJR
Docket No: 4260-00
14 December 2000



Dear ~~XXXXXXXXXX~~

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 December 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 25 May 1959 at the age of 18. Your record reflects that on 25 November 1959 you received nonjudicial punishment (NJP) for absence from your appointed place of duty and were awarded restriction for two weeks.

Your record further reflects that on 16 January 1960 you were convicted by civil authorities of drunkenness and were sentenced to a \$4 fine. During the period from 26 January to 30 September 1960 you received NJP on three occasions for two incidents of absence from your appointed place of duty, discreditable conduct, and drunkenness.

On 17 May 1962 you were convicted by summary court-martial (SCM) of assault. You were sentenced to confinement at hard labor for 15 days, forfeitures totalling \$50, and reduction to paygrade E-1.

On 28 April 1963, at the expiration of your enlistment, you were released under honorable conditions and transferred to the Marine Corps Reserve. On 25 May 1965, upon completion of your military obligation, you received a general discharge.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 3.4. An average of 4.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you received low conduct marks because of a period of unauthorized absence (UA) when you were arrested by civil authorities, but eventually released because all charges were dropped. However, the Board concluded these factors and contentions were not sufficient to warrant a change in the characterization of your discharge given your frequent misconduct, which resulted in four NJPs, a court-martial conviction, and conviction by civil authorities. Further, your conduct average was insufficiently high to warrant an honorable discharge. Finally, your contention appears to be unsubstantiated since you were never punished for UA but only for absence from duty. The record does reflect that you were arrested in March 1960 for a narcotics violation but were never charged. However, you were not punished for absence from duty during this time. Given all the circumstances of your case, the Board concluded your discharge was proper and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director